

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Parties Asked to Refresh Record	)	CC Docket No. 96-98
Regarding a Petition by the New York	)	
State Public Service Commission Seeking	)	
Broad Delegated Authority to Make Area	)	
Code Changes Outside the Context of	)	
Area Code Relief Planning	)	

**REPLY COMMENTS OF VERIZON WIRELESS**

The Commission has invited the New York Public Service Commission (“NYPSC”) and any interested parties to update the record pertaining to the NYPSC’s October 15, 2001 Petition requesting delegated authority to make area code changes outside the context of area code relief planning.<sup>1</sup> Specifically, the NYPSC requested authority to change existing area code boundaries in response to requests it has received from geopolitical bodies, such as those indicated in its Petition, outside the context of area code relief.<sup>2</sup> The NYPSC stated that local requests were made for reasons wholly independent of number conservation or area code relief planning.<sup>3</sup>

Verizon Wireless opposed the NYPSC’s Petition at the time,<sup>4</sup> and reaffirms its opposition here. Nothing has changed in the intervening three years to warrant grant of the NYPSC Petition. To the contrary, the reasons provided by Verizon Wireless and

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<sup>1</sup> *Public Notice*, CC Docket No. 96-98, DA 04-3678 (rel. November 23, 2004).

<sup>2</sup> Petition of the New York Public Service Commission’s Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1), CC Docket No. 96-98 (filed October 15, 2001) (“Petition”).

<sup>3</sup> See Petition at 1. See also NYPSC Comments, filed January 5, 2005, at 2.

<sup>4</sup> See Reply Comments by Verizon Wireless, filed February 11, 2002 (Attached hereto).

others to deny the Petition remain valid. Denial is particularly appropriate because the NYPSC has not taken the opportunity provided by the request to refresh the record to provide any further details regarding: (1) the impact of its request and any resultant boundary changes to consumers, local businesses, and carriers; and (2) how boundary changes outside of area code relief may be consistent with efficient administration of the NANP. The NYPSC also has not addressed other salient concerns from the original proceeding that commentors raised, including those raised by Verizon Wireless. The FCC should thus deny the requested relief because the Petition remains insufficiently supported and the authority requested would not serve the public interest.

Respectfully submitted,

**VERIZON WIRELESS**

By:

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January 11, 2005

**ATTACHMENT**

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications	)	NSD File No. L-01-159
Act of 1996	)	
	)	
Petition of the New York State Public	)	
Service Commission for Additional	)	
Delegated Authority	)	

**REPLY COMMENTS OF VERIZON WIRELESS**

Verizon Wireless hereby submits its reply comments in the above referenced proceeding. The New York State Public Service Commission (“NYPSC”) petitioned the FCC for delegated authority to change existing area code boundaries outside the context of an area code relief proceeding to accommodate requests from various local political entities wanting to re-align their area code boundaries along existing geopolitical boundaries.<sup>5</sup> However, NYPSC’s request is insufficiently supported because it provides neither a specific plan nor an analysis of the impact of its request on the exhaust of the North American Numbering Plan (“NANP”) or the Numbering Plan Areas (“NPAs”) within the state. In addition, NYPSC’s petition is silent regarding the impact of its request on consumers, local businesses and carriers given the costs and inconveniences of NPA changes.

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<sup>5</sup> Petition of the NYPSC’s Request for Delegated Authority for Jurisdiction Over Area Code Changes Pursuant to 47 U.S.C. § 251(e)(1), filed October 15, 2001, CC Docket No. 96-98, at 1 (“NYPSC Petition”).

Verizon Wireless is concerned that boundary realignments could yield considerable customer disruption while yielding little, if any, consumer benefit. While boundary realignments may be justified during the course of an area code relief proceeding, it is difficult to imagine any justification for forcing customers to change area codes (and potentially entire 10-digit phone numbers) solely to achieve an alignment with political boundaries. However, if a state commission believes there is a policy justification to change boundaries outside of a relief proceeding, it should be held to a strict standard of demonstrating that any boundary change is consistent with the efficient administration of the NANP. Nothing in NYPSC's petition, nor the comments supporting the petition, adequately justifies granting NYPSC open-ended authority to realign NPA boundaries in New York state outside of an NPA relief proceeding. The NYPSC should be required to supplement its request with specific proposals for boundary realignments and an analysis of the impact of such proposals on the affected NPAs, consumers and carriers. Without such information, the FCC cannot ensure that a boundary realignment would be consistent with efficient numbering administration of the NANP.

While state commissions are well positioned to make decisions that implicate local concerns, the FCC has plenary authority and a concomitant statutory responsibility under Section 251(e) to ensure efficient numbering administration.<sup>6</sup> The FCC should not authorize states to disrupt long-settled NPA boundaries outside of an NPA relief proceeding without clear justification, beyond requests from local political bodies.

The FCC must balance the local interest in accommodating requests to match NPA boundaries with geopolitical boundaries against the costs and inconveniences to

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<sup>6</sup> 47 U.S.C. § 251 (e).

both consumers and carriers that accompany number changes. States have lamented NPA changes occasioned by the consumption of telephone numbers, citing local resistance to the costs and inconveniences of such changes. Those costs and inconveniences do not disappear or diminish when NPA changes are requested by local governments. In fact, the impact of a boundary change is likely to be more significant than that of a geographic split, because during a boundary change, no new NPA is introduced to provide a new source of available line numbers that match consumers' existing line numbers. Consequently, the boundary realignment may result in a forced 10-digit number change for many consumers and businesses.

The FCC and the NYPSC should avoid creating a precedent that invites additional open-ended requests for authority to upset existing NPA boundaries.<sup>7</sup> Boundary re-alignments should not be granted routinely upon mere request. Several commenting parties proposed that states seeking an NPA boundary change should make certain showings.<sup>8</sup> Verizon Wireless agrees that any proposed boundary realignment plan should: (1) avoid accelerating the NPA exhaust date for any affected code or creating severely unbalanced exhaust dates; (2) be consistent with all Commission rules and industry guidelines; (3) avoid any adverse impact to the efficacy of thousands-block number pooling; (4) seek to mitigate or avoid the burdens, inconveniences, and costs of NPA changes; and (5) explain, with factual support, why the benefits of the particular NPA change outweigh the burdens to affected consumers, carriers, and the community as

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<sup>7</sup> It bears noting that NPA boundaries are determined based on rate center boundaries throughout the NANP, rather than geopolitical boundaries. NPA Code Relief Planning and Notification Guidelines, INC 97-0404-016, § 6.2 ("Boundary Realignment Method"). Thus, an unprincipled decision to allow localities to merely request and receive boundary changes threatens to compromise the infrastructure and design of the entire telephone network.

<sup>8</sup> Comments by Verizon at 3-4, BellSouth at 3-4, and WorldCom at 2.


a whole. The FCC must employ some reasonable standard that recognizes the countervailing public interest in avoiding NPA changes absent NPA exhaust and that requires petitioning states to demonstrate why the requested change is necessary to promote the public interest.

Lastly, boundary realignments are not the cure for achieving reduced toll rates as suggested by one commentor.<sup>9</sup> NPA changes, whether by overlays, geographic splits, or boundary realignments, do not change local or toll rate structures. As CTIA explained, the NYPSC has other tools such as extended area service (“EAS”) and foreign exchange lines to address consumer concerns regarding toll rates. The toll issue does not justify granting NYPSC blanket authority to implement boundary changes in New York.

Respectfully submitted,

**VERIZON WIRELESS**

By:

A handwritten signature in black ink that reads "John T. Scott, III". The signature is written in a cursive style with a horizontal line underneath the name.

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February 11, 2002

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<sup>9</sup> Letter from Patricia S. Pomeroy, Supervisor, Town of Rockland, to Magalie Roman Salas, Secretary, FCC, dated January 29, 2002.